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U.S. PTO

Docket Number 31089USCIP

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10EU652382712US
Express Mail Label NumberMarch 12, 2004
Date of Deposit15364
U.S. PTO
10/800161

031204

Address to: Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313

UTILITY PATENT APPLICATION TRANSMITTAL

Transmitted herewith for filing under 37 CFR §1.53(b) is the utility patent application of

First Inventor: Rebecca M. Cade

Title: Inducible Promoters

Enclosed are:

1. Fee Transmittal Form
2. Applicant claims small entity status
3. Specification (Including claims and abstract) - 66 pages
4. Drawing(s) (35 U.S.C. 113) - sheets
5. Declaration or Oath – 1 sheet
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
6. Application Data Sheet
7. CD-ROM or CD-R in duplicate, large table or Computer Program (appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statement Verifying Identity of Above Copies
9. Assignment papers (cover sheet and document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
15. Certified Copy of the Priority Document(s)
16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)
17. Other: Credit Card Payment Form and Express Mail Certificate

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part

of prior application No: 10/760,752

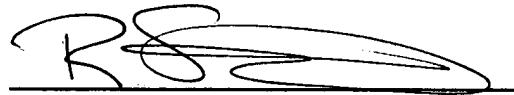
Prior application information: Examiner: Not Yet Assigned Group Art Unit: 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Please address all correspondence to the address associated with Customer No. 022847.

Please direct all telephone calls to the undersigned at the number given below, and all telefaxes to (919) 541-8614.

Respectfully submitted,



Date: March 12, 2004

Randee S. Schwartz
Attorney for Applicants
Reg. No. 45,085
Tel. No. (919) 765-5098

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 788.00)

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Cade
Examiner Name	
Art Unit	
Attorney Docket No.	31089USCIP

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number
50-1744
Deposit Account Name
Syngenta Biotechnology, Inc.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type)	Randee S. Schwartz	Registration No. (Attorney/Agent)	45,085	Telephone	919-765-5098	
Signature					Date	March 12, 2004

(Complete if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

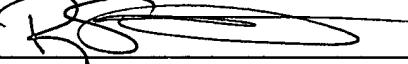
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FILING BY "EXPRESS MAIL" UNDER 37 C.F.R. § 1.10

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, under Express Mail Label No. EU652382712US on March 12, 2004.

- 1) Utility Patent Application Transmittal
- 2) Fee Transmittal for FY 2004
- 3) Application Data Sheet
- 4) Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)
- 5) Power of Attorney and Correspondence Address Indication Form (3 total)
- 6) Specification (including claims and abstract) – 66 pages
- 7) Submission of Sequence Listing Including Statement of Verification
- 8) Paper Copy of the Sequence Listing – 15 pages
- 9) Computer Readable Form of the Sequence Listing
- 10) Credit Card Payment Form
- 11) Return Postcard

Randee S. Schwartz
Name



Signature